

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 136

June 26, 1997, 7:03 pm
Page S-6447 Temp. Record

TAXPAYER RELIEF ACT/Alcohol Advertising & Anti-Alcohol Programs

SUBJECT: Taxpayer Relief Act of 1997 . . . S. 949. Byrd motion to waive section 305(b)(2) of the Budget Act for the consideration of the Byrd amendment No. 540.

ACTION: MOTION REJECTED, 12-86

SYNOPSIS: As reported, S. 949, the Taxpayer Relief Act of 1997, will provide net tax relief of \$76.8 billion over 5 years and \$238 billion over 10 years. The cost will be more than offset by the economic dividend (\$355 billion over 10 years) that will result from balancing the budget in fiscal year (FY) 2002. This bill will enact the largest tax cut since 1981 and the first tax cut since 1986. It will give cradle-to-grave tax relief to Americans: it will give a \$500-per-child tax credit, education tax relief, savings and investment tax relief, retirement tax relief, and estate tax relief. Over the first 5 years, approximately three-fourths of the benefits will go to Americans earning \$75,000 or less. It will eliminate a third of the increased tax burden imposed by the 1993 Clinton tax hike, which was the largest tax hike in history.

The Byrd amendment would amend the current tax deduction for advertising expenses by prohibiting the use of that deduction for advertising and promotion expenses relating to alcoholic beverages. The \$2.9 billion in additional taxes that the Joint Tax Committee estimates would be collected by this change would be distributed as follows: \$900 million to the Substance Abuse and Mental Health Services Administration; \$900 million to the Centers for Disease Control; \$900 million to the Highway Traffic Safety Administration; and \$200 million to Indian Health Services. The funds would be used for programs to reduce consumption of alcohol by youth. The amendment is based on numerous findings, including: there are more than 100,000 alcohol-related fatalities each year; alcohol misuse is involved in approximately 30 percent of suicides, 50 percent of homicides, 68 percent of manslaughter cases, 52 percent of rapes and other sexual assaults, 48 percent of robberies, 62 percent of assaults, and 49 percent of all other violent crimes; 26 percent of eighth graders, 40 percent of tenth graders, and 51 percent of twelfth graders report having used alcohol in the past month; and the alcohol beverage industry spent more than \$1 billion on advertising in 1995, but the National Institute for Alcohol Abuse and Alcoholism was funded at only \$181 million.

(See other side)

YEAS (12)		NAYS (86)				NOT VOTING (1)	
Republicans (4 or 8%)	Democrats (8 or 18%)	Republicans (49 or 92%)		Democrats (37 or 82%)		Republicans (1)	Democrats (0)
DeWine	Bumpers	Abraham	Hutchinson	Akaka	Johnson	Roberts- ²	
Hatch	Byrd	Allard	Hutchison	Baucus	Kerrey		
Helms	Cleland	Ashcroft	Inhofe	Biden	Kerry		
Thurmond	Glenn	Bennett	Jeffords	Bingaman	Kohl		
	Kennedy	Bond	Kempthorne	Boxer	Landrieu		
	Rockefeller	Brownback	Kyl	Breaux	Lautenberg		
	Sarbanes	Burns	Lott	Bryan	Leahy		
	Wellstone	Campbell	Lugar	Conrad	Levin		
		Chafee	Mack	Daschle	Lieberman		
		Coats	McConnell	Dodd	Mikulski		
		Cochran	Murkowski	Dorgan	Moseley-Braun		
		Collins	Nickles	Durbin	Moynihan		
		Coverdell	Roth	Feingold	Murray		
		Craig	Santorum	Feinstein	Reed		
		D'Amato	Sessions	Ford	Reid		
		Domenici	Shelby	Graham	Robb		
		Enzi	Smith, Bob	Harkin	Torricelli		
		Faircloth	Smith, Gordon	Hollings	Wyden		
		Frist	Snowe	Inouye			
		Gorton	Specter				
		Gramm	Stevens				
		Grams	Thomas				
		Grassley	Thompson				
		Gregg	Warner				
		Hagel					

VOTING PRESENT(1)

McCain

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Debate on a first-degree amendment to a reconciliation bill is limited to 2 hours. Debate was further limited by unanimous consent. After debate, Senator Roth raised a point order that the amendment violated section 305(b)(2) of the Budget Act. Senator Byrd then moved to waive that section for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote is required to waive that section of the Budget Act. Following the failure of the motion to waive, the point of order was sustained and the amendment thus fell.

Those favoring the motion to waive contended:

Alcohol is a legal product, but no other legal product is abused in the way that alcohol is abused, and no other product imposes as tremendous societal costs as are imposed by that abuse. We are especially appalled at the stories we hear about alcohol abuse by children. Intoxication destroys people's judgment; they get behind the wheel and kill themselves or others; they commit violent crimes; they abuse their spouses and children. Each year, the companies that sell this legal product spend more than \$1 billion on advertising trying to get Americans to buy more of it. Though the companies deny it is their intent, those advertisements influence teenage children to drink. The United States taxpayers partially pay for those ads, because they are tax deductible. Each year, the Government also spends money on alcohol abuse programs and public service advertisements to discourage underage drinking. However, it spends a pittance compared to the amount of the subsidy it gives the alcohol companies to advertise. In other words, the United States' net official policy right now, however unintentional, is to encourage Americans, including teenagers, to consume more alcohol. The Byrd amendment would fix this problem by eliminating the deductibility of alcohol advertising, and by spending the additional taxes that would be raised on programs to reduce teenage drinking. This sensible amendment should be accepted.

Those opposing the motion to waive contended:

No one denies that misuse of alcohol is a problem in our country. However, most people who drink do not beat their spouses, murder their neighbors, or drive drunk. Most people drink in moderation, and a large body of medical evidence has accumulated showing that this practice is good for their health. The much tougher drunk driving laws that have been enacted by States in recent years are the appropriate sorts of laws that need to be enacted because they go after the minority of the people who cause the problems. Providing differential tax treatment to a legal product based on the content of free expression about that product not only does not address the problem directly, it also raises serious constitutional questions. Assuming those questions could be answered in the amendment's favor, Senators should also be wary of the precedent that would be set. The tax subsidy that would be denied to alcohol products alone would be denied to advance a policy against alcohol consumption. What policy would follow? In the present era of political correctness, one is supposed to believe that sugar is always a damaging product, whether in excess or moderation, and especially if given to children. Should tax policy be set on the content of speech if that speech advocates consuming sugar? How about fried foods? Eggs? If our colleagues think we are stretching things a bit, we remind them that a few years ago the Food and Drug Administration unilaterally tried to outlaw the serving of runny eggs. Another possible target would be coal. Environmental fanatics are convinced that the Earth is rapidly heating up, and that the only solution is to quit burning so many fossil fuels. That view certainly has some support in this Administration. We appreciate and share our colleagues' concern with the huge problems that are associated with alcohol abuse, especially the problems associated with underage drinking. We will be happy to work with them to address those problems directly, but we are not willing to endorse the Byrd amendment's punitive tax treatment of commercial speech about a legal product that most people use responsibly. We urge our colleagues likewise to reject this amendment.